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David J. Bates

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RATHE PATENT & IP LAW  
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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,832	<b>Applicant(s)</b> BATES, DAVID J.	
	<b>Examiner</b> CHERYL LEWIS	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 7-23 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the applicant's communication received on April 21, 2008.
2. Claims 1-23 are presented for examination.
3. Applicants' arguments with respect to claims 1-23 have been considered but are deemed to be moot in view of the new grounds of rejection.

### ***Remarks***

4. The Examiner respectfully disagrees with the applicant's arguments. Kahn indeed teaches a time entry recording and management system. Kahn teaches a web-based payroll and administration system, wherein the payroll administration consists of managing time entry recording related to the following: scheduled reporting requirements; automatically receive and implement electronic updates to these rules; modifying its own functionality to conform to these changes and ensure compliance with current rule; automated collection of employee data and the calculation of employee income, taxes, and pre- and post-tax deductions; automatically calculates overtime, imputed income, and paid-time-off benefits, etc.

The Examiner has pointed out in the Office action, presented below, the various entry means for recording time. For instance at column 12, line 39, and at column 21, line 33, figure 12(a) of Kahn teaches an "Effective Date." Kahn continues to teach that "keying-in the timesheet data" is presented in the various forms of time entry data

according to Kahn's "Timesheet data" (column 37, lines 41-48). Kahn teaches employees hours may be entered via an offline browser (column 37, lines 41-48).

Kahn teaches that the claimed "code" field is identified as a given name or title presented on the various fields of the Timesheet data. For example, one code field of Kahn's payroll system is identified and named "Tax Alternative" (figure 17, column 35, lines 44-57). The code field identified as "Tax Alternative", includes allowing the user to specify a new tax alternative. The "Tax Alternative" code field also includes codes named "Standard", "Late FUTA Payer", etc.

Kahn continues to teach that the claimed "selector movable between each of the plurality of fields" includes a workflow that can be invoked via a keystroke or by clicking a button and automatically guiding a user through a pre-selected sequence of interface screens. Kahn's system provides software "wiz-ards" that enable the user to navigate forwards or backwards through a series of interface screens. Figure 7(a) of Kahn's system depicts the Employer defined two offices and selected the "Second Office", which is highlighted (column 28, lines 27-35) in "Offices" (**Offices is a code field identified as element 3300**).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2167

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahn et al. (Patent No. 6,401,079 B1 filed October 1, 1999, hereinafter Kahn).

7. Regarding Claims 1, 13, 15, 18, and 20-23, Kahn teaches a system for web-based payroll and benefits administration.

The method and associated system for a system for web-based payroll and benefits administration as taught or suggested by Kahn includes:

a date field configured to display a date (col. 35, lines 58-67, 'tax definition period, tax alternative, and "Tax Table" field 3770, which includes the effective date, expiration date, tax rate, and dollar limit...', col. 36, lines 53-67, col. 37, lines 1-8, 'Employer can define an "autopay schedule, " including the days of the workweek and how many hours the employee works per day, and can specify whether the schedule will be a default schedule."');

a start field configured to display a starting time of a time entry (col. 12, line 39, col. 21, line 33, figure 12(a) "Effective Date"; "01/01/1998", i.e., 'effective date'); a stop field configured to display an ending time of the time entry (col. 12, line 39, col. 21, line 33, figure 12(a) "Expiration Date"; "12/01/1999", i.e., 'expiration date', col. 14, lines 44-64, '...employee's overtime hours and insert the hours into...', col. 15, lines 53-66, 'Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.'; '...keying-in the timesheet data...';

and ‘...employees hours may be entered via an offline browser...’, col. 37, lines 41-48, ‘...hourly pay rate (as shown in “Increment” field 3915)...’, col. 47, lines 62-67, col. 48, lines 1-14, ‘...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...’);

a description field configured to display a description of the time entry (“Effective Date” and “Expiration Date”, [this text string identifies the description of the time entry], figure 12(a), col. 14, lines 44-64, ‘...employee’s overtime hours and insert the hours into...’, col. 15, lines 53-66, ‘Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.’; ‘...keying-in the timesheet data...’; and ‘...employees hours may be entered via an offline browser...’, col. 37, lines 41-48, ‘...hourly pay rate (as shown in “Increment” field 3915)...’, col. 47, lines 62-67, col. 48, lines 1-14, ‘...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...’); and at least one code field configured to display at least one code assigned to the time entry (col. 35, lines 44-57, ‘Clicking “Change Alternative” button 3765 causes the system to display the “Tax Alternative” interface, shown in FIG. 17. The “Tax Alternative” interface allows the user to specify a new tax alternative for the selected tax...’, figure 17, code is established using ‘Tax Alternative’, ‘Alternative’, tax ‘Alternative’ further includes codes ‘Standard’, Late FUTA Payer’, etc. );

a selector movable between each of the plurality of fields (col. 13, lines 58-67, ‘Such a workflow can be invoked via a keystroke or by clicking a button and

automatically guides the user through a pre-selected sequence of interface screens, rather than requiring the user to select each interface screen along the way. The system provides software “wiz-ards” that enable the user to navigate forwards or backwards through a series of interface screens...’, col. 28, lines 27-35, ‘For example, as shown in FIG. 7(a), the Employer defined two offices and selected the “Second Office,” which is highlighted in “Offices” field 3300’);

and a first actuator configured to perform at least one of a plurality of functions upon being actuated depending upon which of a plurality of fields the selector is located (col. 13, lines 58-67, ‘Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...’, col. 31, lines 14-25, ‘Returning to the “Paid Time Off and Schedules” interface, as shown in FIG. 10, clicking “Add PTO” button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking “Add Schedule” button 3500 causes the system to create a new schedule to be created under the selected paid-time-off plan and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...’);

a plurality of fields configured to display different types of time entry data (col. 38, lines 19-36, ‘For the time period specified in the pull-down menu of “Period” field 3950, (e.g., next 12 months, past 12 months, “All”)...’, figure 28(a), col. 41, lines 18-20, ‘The “Payroll Information” interface, illustrated in FIG. 28(a), enables input and modification of payroll information regarding the selected employee, including: hiring date...’, figure 28, col. 41, lines 55-66, ‘The “Payroll Information” interface also provides the Employer

with functionality to record the termination of an employee. Such functionality is activated by clicking “Terminate” button 4200, as shown in FIG. 28(a).”; and ‘...the Employer to set the termination date of an employee...’, col. 14, lines 44-64, ‘...employee’s overtime hours and insert the hours into...’, col. 15, lines 53-66, ‘Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.’; ‘...keying-in the timesheet data...’; and ‘...employees hours may be entered via an offline browser...’, col. 37, lines 41-48, ‘...hourly pay rate (as shown in “Increment” field 3915)...’, col. 47, lines 62-67, col. 48, lines 1-14, ‘...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...’).

8. Regarding Claim 4, Kahn teaches the first actuator records a preceding stop time in the start field when the selector is in the start field (col. 13, lines 58-67, ‘Such a workflow can be invoked via a keystroke or by clicking a button and automatically guides the user through a pre-selected sequence of interface screens...’, col. 31, lines 14-25, ‘Returning to the “Paid Time Off and Schedules” interface, as shown in FIG. 10, clicking “Add PTO” button 3495 causes the system to display a new paid-time-off plan in the selectable list, the name of which can be revised by the user. Clicking “Add Schedule” button 3500 causes the system to create a new schedule to be created under the selected paid-time-off plan and present the user with the detail fields regarding the particular schedule, as shown in FIG. 10(a)...’).



9. Regarding Claim 7, Kahn teaches all of the fields are simultaneously displayed (col. 38, lines 19-36, 'For the time period specified in the pull-down menu of "Period" field 3950, (e.g., next 12 months, past 12 months, "All")...', figure 28(a), col. 41, lines 18-20, 'The "Payroll Information" interface, illustrated in FIG. 28(a), enables input and modification of payroll information regarding the selected employee, including: hiring date...', figure 28, col. 41, lines 55-66, 'The "Payroll Information" interface also provides the Employer with functionality to record the termination of an employee. Such functionality is activated by clicking "Terminate" button 4200, as shown in FIG. 28(a).'; and '...the Employer to set the termination date of an employee...', col. 14, lines 44-64, '...employee's overtime hours and insert the hours into...', col. 15, lines 53-66, 'Timesheet data 1002 includes hours worked (e.g., daily or total for pay period) and paid time off during the particular pay period, and may be collected (i.e., imported or keyed-in) on a daily basis or at the end of the pay period.'; '...keying-in the timesheet data...'; and '...employees hours may be entered via an offline browser...', col. 37, lines 41-48, '...hourly pay rate (as shown in "Increment" field 3915)...', col. 47, lines 62-67, col. 48, lines 1-14, '...the table displays information including: name, total hours worked, regular hours worked, hours per each Employer-defined paid-time-off schedule...').

10. Regarding Claim 8, Kahn teaches input configured to record data in one of the plurality of fields in which the selector is positioned (col. 20, lines 17-26, col. 21, lines 50-59).

11. Regarding Claim 9, Kahn teaches the input is selected from a keyboard and a preceding field entry (col. 13, lines 57-67).

Art Unit: 2167

12. Regarding Claims 10 and 14, Kahn teaches an entry hours field configured to display an elapsed time between a corresponding starting time and a corresponding ending time (col. 12, line 39, col. 21, line 33, figure 12, col. 14, lines 44-64, col. 15, lines 53-66) in the start field and the stop field.

13. Regarding Claim 11, Kahn teaches the system is configured to adjust the elapsed time based upon a pre-selected formula (col. 12, line 39, col. 21, line 33, figure 12, col. 14, lines 44-64, col. 15, lines 53-66).

14. Regarding claim 12, the limitations of this claim has been noted in the rejection of claims 1, 7, 18, and 20-23 presented above. It is therefore rejected as set forth above.

15. Regarding Claim 16, Kahn teaches the second actuator provides separate sums for billable and non-billable time for the selected date upon being activated (col. 15, lines 45-67).

16. Regarding Claim 17, Kahn teaches the second actuator additionally increments a first yearly hourly total by the first daily hourly total upon being activated (col. 37, lines 41-48).

17. Regarding Claim 19, Kahn teaches a plurality of fields configured to display time related information (col. 38, lines 19-36, figure 28(a), col. 41, lines 18-20, col. 41, lines 55-66, col. 14, lines 44-64, col. 15, lines 53-66, col. 47, lines 62-67, col. 48, lines 1-14); means for selecting a first one of the plurality of fields (col. 38, lines 19-36, figure 28(a), col. 41, lines 18-20, col. 41, lines 55-66, col. 14, lines 44-64, col. 15, lines 53-66, col. 47, lines 62-67, col. 48, lines 1-14); and means for automatically entering a universal time in a second one of the plurality of fields based upon the selected first one of the

Art Unit: 2167

plurality of fields and in response to actuation of an actuator (col. 38, lines 19-36, figure 28(a), col. 41, lines 18-20, col. 41, lines 55-66, col. 14, lines 44-64, col. 15, lines 53-66, col. 47, lines 62-67, col. 48, lines 1-14).

***Allowable Subject Matter***

18. Claims 2, 3, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***NAME OF CONTACT***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Art Unit: 2167

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/  
Patent Examiner, A.U. 2167  
July 21, 2007